



GP-2615\$

PATENT

Attorney Docket No. 041465-5063

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kaoru YAMAMOTO et al.

Application No.: 09/200,430

Filed: November 27, 1998

For: INFORMATION RECORD MEDIUM,  
AND APPARATUS FOR AND METHOD  
OF REPRODUCING THE SAME

Group Art Unit: 2615

Examiner: C. Onuaku

RECEIVED  
OCT 15 2001  
Technology Center 2600

**RESPONSE AND REQUEST FOR RECONSIDERATION**  
**TRANSMITTAL FORM**

Commissioner of Patents  
Washington, D.C. 20231

Sir:

1. Transmitted herewith is an Amendment in response to the Office Action dated April 11, 2001 (Paper No. 4).

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal
- ☐ Request for Approval of Drawing Changes
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_\_\_ reference included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants' petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input checked="" type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00

Extension of time fee due with this request: \$920.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims	11	minus	20	0	x \$18 each=	+ \$
Independent Claims	7	minus	7	0	x \$80 each=	+ \$
[ ] First presentation of Multiple dependent claim(s)					\$270.00	+ \$
SUB-TOTAL =						\$
Reduction by 1/2 for filing by a small entity						- \$
TOTAL FEE =						<b>\$0.00</b>

6. Fee Payment

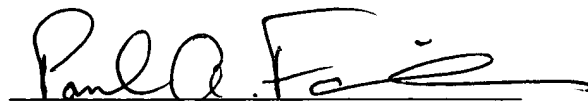
- [ ] No fee is to be paid at this time.
- [X] Check in the amount of **\$920.00** is enclosed to cover the cost for the three-month extension of time fee. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- [ ] Please charge Deposit Account No. 50-0310 the amount of \$\_\_\_\_\_ for \_\_\_\_\_. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

[X] The Commissioner is hereby authorized to charge any additional fees including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:



Paul A. Fournier

Registration No. 41,023

Dated: October 10, 2001

**Customer No.: 009629**

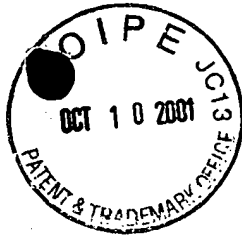
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82

PATENT  
ATTORNEY DOCKET NO.: 041465-5053

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Washington, D.C. 20231

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**RESPONSE AND REQUEST FOR RECONSIDERATION**

10/16/01  
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In response to the Office Action dated April 11, 2001 (Paper No. 4), the period of response to which has been extended through October 11, 2001 by the request for a three-month extension of time file herewith, reconsideration and withdrawal of the rejections set forth in the pending Office Action are respectfully requested.

**The Rejections under 35 U.S.C. § 102(b)**

In the Office Action dated April 11, 2001, claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sakai, (GB 2 225 147). This rejection is respectfully traversed for the following reasons.

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The present invention involves an information record medium which includes first reproduction control information to simultaneously reproduce video information and audio information that are related to each other, and second reproduction control information to reproduce only the audio information. Such an arrangement provides advantages over prior art arrangements, including the ability to selectively reproduce either the video information and audio information at the same time or only the audio information from the same information record medium. See at least pages 7-8 of the specification.

The Office Action alleges, at page 2, paragraph 2 that Sakai discloses reproduction control information, citing to page 6, lines 10-17 and page 11, lines 26-28 and referring to “control codes”). The Office Action then goes on to cite to page 12, lines 18-27 of Sakai in reference to the “first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information.” Also, the Office Action cites to page 12, lines 9-17 of Sakai in reference to the “second reproduction control information to reproduce only the audio information out of the substantial information.” The Office Action appears to interpret the first and second reproduction control information of at least independent claims 1, 6, 7, 8, 9, 10 and 11 as corresponding to Sakai’s “two kinds of control codes corresponding to the sound signal and the picture signal.” See page 12, lines 18-27. This interpretation of Sakai and its associated rejection against the claims of the instant invention are respectfully traversed for at least the following reasons.

Sakai discloses two kinds of control codes. A first control code corresponds to sound signals, while the second control code corresponds to picture signals. These two control code types are generated separately. See page 6, lines 11-17 of Sakai. Page 8, lines 17-20 of Sakai

describes how these first and second control codes are merely used for discriminating sound signals from picture signals, not necessarily for “reproducing” particular combinations of the recorded signals, as claimed in independent claims 1, 6, 7, 8, 9, 10, and 11 of the instant application. Further, as described at page 12, lines 17-27 of Sakai, the first and second kinds of control codes must both be detected by the control code deciphering portion 47, in order for both audio and video signals to be indicated. In other words, the first kind of control code corresponds to audio signals and the second kind of control code corresponds to video signals.

Accordingly, Sakai does not teach or suggest an information recording medium, an information reproducing apparatus, or an information reproducing method as claimed. In particular, at least independent claims 1, 6, 7, 8, 9, 10, and 11 of the present application recite “first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information” and “second reproduction control information to reproduce only the audio information out of the substantial information.”

In other words, in the claims of the instant invention, the first reproduction control information is used for reproducing the video information and the audio information from the record medium at the same time, while the second reproduction control information is used for reproducing only the audio information from the record medium. By providing first and second reproduction control information on the record medium in this way, the Applicants are able to achieve the advantageous results described above and throughout the specification.

Accordingly, the Applicants submit, for at least the foregoing reasons, that independent claims 1, 6, 7, 8, 9, 10, and 11 are in condition for allowance. Withdrawal of the rejections under 35 U.S.C. § 102(b) is respectfully requested. Moreover, claims 2-5 are dependent on independent claim 1 and are thus allowable for at least the same reasons as independent claim 1.

### **CONCLUSION**

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims 1-11.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants undersigned representative to expedite the prosecution.


**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,



including any required extension of time fees, or credit any overpayment to Deposit Account  
50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR  
EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
Paul A. Fournier  
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Dated: October 10, 2001

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